

REMARKS

In the Notice of Non-compliant Amendment of February 2, 2005, the Legal Instruments Examiner indicated that a complete listing the claims was not present in the response filed on January 18, 2005. Applicants, however, submit that the response filed on January 18, 2005 did have a complete listing of the claims. Applicants note the claims 2-16 were cancelled without prejudice and that these claims were indicated by only the claim number and claim status, without presenting the text of the claims, as required by the Revised Amendment Practice of 37 CFR 1.121.

In the Office Action of October 15, 2004, claims 1-16 were presented for examination. Claims 1, 4-6, 8-9, 12-14 and 16 were rejected under 35 U.S.C. §102(b) based on McLellan (U.S. Patent No. 3,161,090). Claims 1-6 and 8 were rejected under 35 U.S.C. §102(b) based on Hildebrand (U.S. Patent No. 5,737,981). Claims 7 and 15 were rejected under 35 U.S.C. §103(a) based on McLellan in view of Hanson (U.S. Patent No. 4,671,141). Claims 9-14 and 16 were rejected under 35 U.S.C. §103(a) based on Hildebrand in view of McLellan. Claim 7 was rejected under 35 U.S.C. §103(a) based on Hildebrand in view of Hanson. Claim 15 was rejected under 35 U.S.C. §103(a) based on Hildebrand in view of McLellan and Hanson.

Applicant has cancelled original claims 2-16 without prejudice. Accordingly, applicant submits that the rejections to claims 2-16 are now moot.

Claim 1, as amended, recites in part at least the following limitations:  
"a body portion extending along a first direction, the body portion having a first end, a second end, and an aperture extending from the first end into the body portion toward the

second end, the aperture defining an interior surface configured to engage a portion of the body of the damaged spark plug adjacent the damaged wrench-engaging member for rotating and removing the damaged spark plug, wherein a length of the aperture in the first direction is greater than or equal to a distance from the electrical connector end to the damaged wrench-engaging member."

Referring to McLellan, the reference is directed to a stud engaging wrench. McLellan, however, does not provide any teaching of a tool for removing a spark plug having an "an aperture extending from the first end into the body portion toward the second end, the aperture defining an interior surface configured to engage a portion of the body of the damaged spark plug adjacent the damaged wrench-engaging member for rotating and removing the damaged spark plug, wherein a length of the aperture in the first direction is greater than or equal to a distance from the electrical connector end to the damaged wrench-engaging member", as recited in claim 1. Accordingly, applicant submits that claim 1 is allowable over McLellan.

Referring to Hildebrand, the reference is directed to a removal device. Hildebrand, however, does not provide any teaching of a tool for removing a spark plug having an "an aperture extending from the first end into the body portion toward the second end, the aperture defining an interior surface configured to engage a portion of the body of the damaged spark plug adjacent the damaged wrench-engaging member for rotating and removing the damaged spark plug, wherein a length of the aperture in the first direction is greater than or equal to a distance from the electrical connector end to the damaged wrench-engaging member", as recited in claim 1. Accordingly, applicant submits that claim 1 is allowable over Hildebrand.

Applicant has added new claims 17-23 to claim particular aspects of the present invention. Support for claims 17-23 can be found within the specification and the original claims. Applicant submits that no new subject matter has been added by claims

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17-23. Claims 17-21 are believed to be allowable for at least the same reasons recited above with respect to claim 1. Claims 22-23 are believed to be allowable because none of the cited references teach "disposing the tool proximate the spark plug such that the interior surface of the tool contacts the body of the damaged spark plug adjacent the damaged wrench-engaging member; connecting a torque application device to the second end of the tool; and rotating the torque application device in a first direction to rotate the tool and the damaged spark plug to remove the damaged spark plug from the engine", as recited in claims 22 and 23.

In view of the above, it is respectfully submitted that the instant application is in a condition for allowance. Such action is earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, he is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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